

Remarks

Claims 1-25 were pending in this application. Claims 3 and 13-23 were withdrawn from consideration by the Examiner and have been cancelled without prejudice. Claims 1, 4, 10, 11, 24, and 25 have been amended. Accordingly, claims 1, 2, 4-12, 24, and 25 remain for examination.

Rejections Under 35 U.S.C. § 102(b)

Marco

Claims 1, 2, 4-6, 8, 12, 24, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,899,096 ("Marco"). Applicant respectfully traverses this rejection in light of the following amendments and remarks.

Independent claims 1, 24, and 25 have been amended to recite expansion of an "inner diameter" of said neck. Claim 1 has also been amended to recite "so as to radially expand said neck portion into engagement with an inside diameter of the ring." Support for this amendment can be found in the specification at p. 5, ll. 20-22. Claims 4, 10, and 11, which depend from claim 1, have been amended to provide proper antecedent basis in light of the amendment to claim 1.

Marco describes an annular ring member for fitting over a preform, where the ring member contains external threads for attachment with a closure. (Marco abstract.) The outer diameter of Marco's perform neck 14a, according to FIG. 1, is smooth. Upon expanding the preform, the ring 18 is engaged with a flange rim of the preform, resulting in a container having a threaded finish. (*Id.*)

In Marco, securement of the ring member 18 results from reshaping of the smooth neck portion 14a of preform 10a (FIGs. 1 and 2). The inner diameter of ring member 18 contains annular thread recesses 21. Upon blow molding the preform, the ring member serves "as part of the mold surface in re-shaping the body wall, particularly the neck portion thereof against the ring member." (*Id.* at col. 2, ll. 56-60.) As a result, the "material of the neck portion 14a will be forced outwardly into locking engagement with recesses 21" of the ring 18, as at portion 15. (*Id.* at col. 2, ll. 34-38.) Alternatively stated, the smooth outer neck portion forms ribs in locking engagement with annular

recesses 21. (*Id.* at col. 2, ll. 34-38.) Moreover, the body of the container when blown forms a “domed portion” 12 that traps the ring between the domed portion and the undersurface of the flange 16. (*Id.* at col. 2, ll. 30-33.)

Applicant respectfully submits that Marco fails to disclose expanding an inner diameter of a neck as claimed. One of ordinary skill in the art would understand Marco teaches securing a ring member through two portions of the container: (1) material of the neck is forced outward, forming features 15 of the neck as it is re-shaped against the ring acting as a mold surface, where features 15 engage recesses 21 of the ring, and (2) the ring is also trapped between domed portion 12 of the body and flange 16 on the topmost part of the container neck. At best, Marco discloses molding outer portions of the neck to fill a recess in an inner portion of the ring. Nowhere does Marco teach expansion of an inner diameter of at least a portion of the neck, as recited in the amended claims.

Marco does not teach expanding an inner diameter so as to radially expand said neck portion into engagement with an inside diameter of the ring, as recited in claim 1. The engagement in Marco is not due to a radially expanded diameter, but rather to a reshaping of the smooth outer neck of the perform. Marco also does not describe, as recited in claim 24, a portion of the neck having at least one external engagement element, which (pre-existing) external engagement feature engages the ring upon expansion of the inner diameter of the neck. Instead, Marco describes a neck 14a having no engagement element prior to the blow molding. Only upon contacting the ring 18 does material expand at portions 15 to fill recesses in the ring.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

Suzuki

Claims 1, 2, 4-6, 8, 12, 24, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 52-1-3283 (“Suzuki”). Applicant respectfully traverses this rejection.

Suzuki fails to disclose expanding an inner diameter of the neck as claimed. Suzuki provides a bottle main body 1 having a neck part 1b. A threading member 2 is

fixed onto the neck part 1b via vertical grooves 2b cut on the inner circumference of threading member 2 (Figure 40). Vertical lines 1b' on the outer circumferential surface of neck part 1b fit perfectly with vertical grooves upon mounting the threading member 2 on neck part 1b. Alternatively, depressions 2c (Figure 5) can be formed on the inner circumferential surface of threading member 2. Upon biaxial molding, the neck part 1b is drawn and molded in the radial direction to fill the cavity in the depression 2c (Figure 6). In a third embodiment (Figure 7), the bottom margin 2d of threading member 2 has the form of a wave with upwards and downwards undulations. Upon biaxial draw molding, neck part 1b is molded with bottom end margin 2d.

However, nowhere in Suzuki is there a disclosure of expanding an inner diameter of a neck to secure the container attachment with a neck. Like Marco, Suzuki at best discloses molding a portion of the outer circumference of the neck to fill cavities (depression 2c) in threading member, and Suzuki does not disclose that expansion of the inner diameter of a neck is necessary to fill the cavities.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

Diekhoff

Claims 1, 2, 4, 6, 8, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,010,026 ("Diekhoff"). Applicant respectfully traverses this rejection.

Diekhoff is directed to metal cans having a threaded neck portion for receiving a threaded closure. (*Diekhoff* at col. 1, ll. 13-15.) The cans may have neck portions that receive a threaded sleeve. (See, e.g., *id.* at FIGs. 16, 17, 33, 34, 37, and 38.) The sleeves of FIGs. 16 and 17 can be attached to the neck portion by an outwardly projecting curvilinear flange 61 on the top of the neck that rolls outwardly and downwardly to press against the top of the sleeve. (*Id.* at col. 8, ll. 31-38.) Small dents, ribs, slots, or an adhesive can be provided on the can and/or sleeve to prevent rotation of the sleeve about the can. (*Id.* at col. 8, ll. 38-46.) No expansion of the inner diameter of the neck is disclosed.

Sleeve 110, which fits over the can of FIGs. 33, 34, 37, and 38, is provided with a

plurality of inwardly directed protuberances, or splines 118 on its inner surface. (*Id.* at col. 11, ll. 63-66.) The top spout portion 122 of the aluminum can has a converging neck portion 125 and a cylindrical chimney, which provides a deformable area of metal to interlockingly engage with the splines 118. (*Id.* at col. 12, ll. 15-22.) After sleeve 110 has been positioned on the chimney 126, it is pressed downwardly on spout 122 to drive splines 118 into interlocking engagement with shoulder 128 by forming small depressions 142 in the metal of the shoulder 128. (*Id.* at col. 12, ll. 37-45.) The top edge portion of the chimney 126 is turned outwardly and outwardly to form a curled flange 144 over the top of the sleeve. (*Id.* at col. 12, ll. 46-49.)

Diekhoff fails to disclose radial expansion of an inner diameter of a neck to secure an attachment to the neck. Rather, Diekhoff describes the use of deformable metal portions to wrap around, interlock, or otherwise engage the sleeve. Thus, Diekhoff does not anticipate the claimed invention.

Accordingly, Applicant respectfully requests withdrawal of this rejection.

Rejections Under 35 U.S.C. § 103

Marco or Suzuki in view of Taylor

Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Marco or Suzuki and further in view of U.S. Patent No. 2,944,704 ("Taylor"). Applicant respectfully traverses this rejection.

The disclosure of Marco or Suzuki does not render obvious the claimed invention. Marco or Suzuki, at best, discloses using outer portions of the neck to fill recesses or containers in an inner portion of a ring. In contrast, the claims recite securing an attachment by expanding an inner diameter of the neck. One of ordinary skill in the art would readily appreciate that the claimed securement would achieve a stronger attachment than the securement achieved by simply molding small portions of the outer circumference of the neck to fill depressions in the inner diameter of the threaded member. Since Marco or Suzuki fail to teach or suggest the claimed method, neither Marco nor Suzuki would render obvious the claimed invention.

Taylor is directed to a dispensing device that contains two fluent or pastelike

materials, e.g., a striped tooth paste product. (*Taylor* at col. 1, ll. 29-31 and 40-41.) The device is a collapsible tube dispensing container 10 with a sloping forward end 11 terminating in a nozzle 12. (*Id.* at col. 2, ll. 9-11.) Nozzle 12 has a plurality of threads 13 formed about the outer end for securing a cap. (*Id.* at col. 2, ll. 11-13) A shoulder 22 extends circumferentially around the inner end of nozzle 12 and has a plurality of knurls 23 along the outer periphery thereof, to form a good gripping surface for a connection with the sloping end 11 of container 10. (*Id.* at col. 2, ll. 56-60.)

As discussed above, neither Marco nor Suzuki renders obvious the claimed invention. Taylor does not remedy this deficiency. Unlike the present claims, the nozzle in Taylor is not radially expanded. Taylor merely discloses connecting a nozzle to a sloping end of a container with the aid plurality of knurls. There is no disclosure that the container is subsequently expanded in any manner, much less by radially expanding the inner diameter of the neck. Thus, there is no teaching or suggestion in Taylor that expanding the inner diameter of a neck would be useful in securing an attachment to the neck.

Because the Examiner has failed to provide any teaching or suggestion to achieve the claimed invention, a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Diekhoff and Jesevich

Claims 9-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Diekhoff in view of U.S. Patent no. 3,874,058 ("Jesevich"). Applicant respectfully traverses this rejection.

As discussed above, Diekhoff is directed to metal cans that can be secured to sleeves containing threads for a closure. However, Diekhoff fails to disclose radially expanding an inner diameter of a container neck to secure an attachment, as claimed. Moreover, Diekhoff fails to teach or suggest any advantage of radially expanding deformable metal cans, as opposed to deforming portions of the outer surface of the neck to engage a sleeve.

Jesevich does not remedy the deficiency of Diekhoff. Jesevich discloses a

closure forming apparatus for simultaneously attaching a closure flange and a tag ring element to a container wall. (*Jesevich* at abstract.) As shown in FIGs. 1 and 5, an upper die sub-assembly 70 closes on a lower die sub-assembly 50 and a perforating punch 72 to punch out a slug (defined by circular edge 91) from a container wall 90 of a steel drum. (*Id.* at col. 3, ll. 44-52.) The wall metal surrounding opening 91, together with a tag ring element, are drawn upwardly around the body of closure flange 1, thereby attaching the flange and tag ring to the container wall. (*Id.* at col. 3, ll. 63-67.)

There is no suggestion or motivation to combine the teachings of *Jesevich* with those of *Diekhoff*. *Jesevich* discloses simultaneously or near simultaneously: (1) forming an opening, (2) forming a metal wall surrounding the opening, and (3) adding a closure flange and a tag ring element. In contrast, the container of *Diekhoff* already contains a neck. Thus, there is no need to use the relatively complex and particularly specialized closure forming apparatus of *Jesevich* for forming a hole in a container and the metal wall surrounding the hole, prior to adding the closure flange. Because *Diekhoff*'s container already has a neck and opening, one of ordinary skill in the art would not be motivated to apply the apparatus of *Jesevich* to the container of *Diekhoff*.

Because the Examiner has failed to provide any motivation to combine *Jesevich* with *Diekhoff*, a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Reconsideration

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient, this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted,

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